

In the United States Patent & Trademark Office

Appl. No. :10/708,191
Applicant :Steven Clyde Hill
Filed :02/14/2004
TC/A.U. :1614
Examiner :DiRamio, Jacqueline A

Docket No. :ARL 04-01
Customer No. :21364
Confirmation No. :2190

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Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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Sir:

SUPPLEMENT TO AMENDMENT FILED 06 APRIL 2006

This will make of record a telephone conversation of 11 April 2006 between the Examiner and the undersigned Attorney. The Examiner stated that the instant application would continue to be rejected for "obviousness double patenting over the more senior and generic application No 11/126,515. Applicants' attorney agree to file a terminal disclaimer, therefore:

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

The United States of America, by the Secretary of the Army through its duly appointed Attorneys, owner of the entire right, title and ownership in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/126,515 filed on 09 May 2005 (Atty. Docket No. ARL 03-106), as such term is defined in 35 U.S.C. §§ 154 & 173, and as the term of any patent granted on said reference application may be shortened by any disclaimer filed prior to the grant of any patent on the pending reference application. The Government hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, or assigns.

In making the above disclaimer, the Government does not disclaim any part of the patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 & 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any

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terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of Competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is a duly appointed attorney to prosecute the instant application and believes authorized to sign this disclaimer.

Fees

The Director is hereby authorized to charge any fees which may be required, including additional fees or underpayments under 37 C.F.R. § 1.16 & 1.17; and credit any overpayments to Deposit Account No. 19-2201 held in the name of U.S. Army Materiel Command.

Certificate of Transmission under 37 CFR § 1.8

I hereby certify that the above DISCLAIMER is being facsimile transmitted to Phone No. 571-273-8300 at the United States Patent & Trademark Office on 11 April 2006.

Respectfully submitted,
Intellectual Property Counsel
U.S. Army Research Laboratory

By 

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